

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

DAKOTANS FOR HEALTH, RICK WEILAND, and ADAM WEILAND,	)	Case No. 5:23-cv-5042
	)	
Plaintiffs,	)	
	)	
v.	)	<b>RESPONSE TO MOTION TO DISMISS</b>
	)	
BOB EWING, BRANDON FLANAGAN, RANDY DEIBERT, RICHARD SLEEP, and ERIC JENNINGS, Lawrence County Commissioners, all sued in their official capacities,	)	
	)	
Defendants.	)	

COME NOW Defendants, by and through Rebecca L. Mann of Gunderson, Palmer, Nelson & Ashmore, LLP, their attorneys, and hereby submit this Response to Plaintiffs' Motion to Dismiss All Issues Without Prejudice – Except Attorney Fees and Costs – as Moot (Doc. 25).

Defendants do not object to the voluntary dismissal by Plaintiffs pursuant to Fed. R. Civ. P. 41(a)(2) without prejudice and agree that the case is moot given the new Political Activity Policy adopted by the Lawrence County Commissioners on October 10, 2023. (Doc. 25-1.) Defendants do not agree that Plaintiffs are entitled to recover attorney fees or costs. However, as indicated by Plaintiffs, the issue of attorney fees can be briefed separately pursuant to a motion for attorney fees if the parties are unable to reach a resolution on this issue.

Dated: November 27, 2023.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP

By: /s/ Rebecca L. Mann  
Rebecca L. Mann  
*Attorneys for Defendants*  
P.O. Box 8045  
Rapid City, SD 57709  
Telephone: (605) 342-1078  
Fax: (605) 342-9503  
E-mail: rmann@gpna.com